IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

CONTEMPT PETITION NO.442 OF 2004

Bombay Electric Workers' Union
and Anr. ..Petitioners

Vs.

Vithal S.Gaikwad and Anr. ..Respondents

...

Mr.G.S.Kulkarni for Peitioners
Mr.A.V.Bukhari i/b Kishore Shetty for Respondents

...

CORAM : B.H.MARLAPALLE,J.

DATE : FEBRUARY 9,2005

P.C.:

1. Heard the learned counsel for the petitioners.

2. This contempt petition, to say the least, is totally misconceived. Writ Petitions No. 1674 of 2004 and 1673 of 2004 were decided by a Division Bench of this Court on 1.10.2004 by clarifying the position in law i.e. the provisions of Section 28-A of the Trade Unions Act, 1926 and the scope of the directions issued by this Court from time to time. It was thereafter that the notices dated 16.11.2004 and 1.12.2004 by the Gaikwad Group and the Kottary Group have been issued. These notices do not, by any stretch of imagination, amount to contempt within the meaning of Section 2(b) of Contempt of Courts Act,

1971 and more so because, it cannot be said that they are in breach of any order passed by this Court and it was in force as on the date these notices were issued.

3. Contempt petition is therefore, rejected summarily. Interim order stands vacated.

. Certified copy expedited.

[B.H.MARLAPALLE,J.]